

JAP:EEA
F.#2016R01504

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

SAMUEL VALCARCEL,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

JOANNA BECK, being duly sworn, deposes and states that she is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) duly appointed according to law and acting as such.

Upon information and belief, on or about and between June 24, 2016, within the Eastern District of New York and elsewhere, the defendant SAMUEL VALCARCEL, together with others, did knowingly and intentionally obstruct, delay and affect commerce and the movement of articles and commodities in commerce, to wit: currency by armed robbery.

(Title 18, United States Code, Sections 1951)

Upon information and belief, on or about and between June 24, 2016, within the Eastern District of New York and elsewhere, the defendant SAMUEL VALCARCEL, did knowingly and intentionally use and carry a firearm during and in relation to a crime of violence, to wit, a violation of 18 U.S.C. § 1951.

(Title 18, United States Code, Section 924(c))

16-1129M

COMPLAINT

(18 U.S.C. §§ 1951 and 924(c))

The source of your deponent's information and the grounds for her belief are as follows:¹

1. I have been a Special Agent with ATF since February 2016. I am responsible for conducting and assisting in investigations into the activities of individuals and criminal groups responsible for crimes related to unlawful possession and use of firearms, including armed robberies. These investigations are conducted both in an undercover and overt capacity. I have participated in investigations involving search warrants and arrest warrants. As a result of my training and experience, I am familiar with the techniques and methods of operation used by individuals involved in criminal activity to conceal their activities from detection by law enforcement authorities.

2. I have personally participated in the investigation of the offenses discussed below. I am familiar with the facts and circumstances of this investigation from: (a) my personal participation in this investigation, (b) reports made to me by other law enforcement authorities, and (c) review of surveillance videos and other records and reports.

3. On or about June 24, 2016, at approximately 2:00 p.m., two men entered Clearwater Pools at 162-01 Cross Bay Boulevard in Howard Beach, Queens, New York (the "Store"), armed with handguns. As depicted in surveillance video and described by victim witnesses, one man (the co-conspirator) was heavy, light-skinned, tattooed on his left arm, and wore dark pants, a black t-shirt, clear gloves, and a red, white and blue bandana covering his

¹ Because the purpose of this Affidavit is to establish only probable cause to arrest, I have not set forth a description of all the facts and circumstances of which I am aware.

face. The other, later identified as the defendant, SAMUEL VALCARCEL, was slim, of average height, wore camouflage pants, a gray hooded sweatshirt pulled up around his face, and black gloves. Both men wore dark-colored baseball caps, one appearing to bear the white logo of the New York Yankees baseball team and the other, a logo for Nike, and carried handguns.

4. The front of the store was empty and the men proceeded through an open door in the back of the store, where two employees were present. The defendant, SAMUEL VALCARCEL, pointed a firearm at the head of the nearest store employee and demanded that she open a drawer, referring to a desk drawer containing the store's payroll. The co-conspirator then entered the office and grabbed the same store employee in a chokehold, pushed her chair towards the rear of the office, then made her get up and walk towards the back of the office. The defendant and co-conspirator stole approximately \$15,645 stored on the premises as well as a store employee's two credit cards, driver's license and an additional \$2,000 in cash from the store employee's wallet. The defendant and co-conspirator left the back room and returned to the front of the store. They then exited the store through the front of the building. After seeing the two men fleeing the building, a store employee who was standing in the parking lot began to yell at them. Approximately one to two minutes elapsed between the time the men entered the store and when they left the store.

5. An eyewitness who was walking down the street nearby reported that the fleeing men got into a white Cadillac sedan with a certain Pennsylvania license plate number (the "Cadillac") and sped away. Based on my training and experience, I know that the NYPD

maintains many License Plate Readers (“LPRs”) in and around New York City. These LPRs capture photographs of each vehicle going through specific parts of the city. The LPRs also record the license plate number of each vehicle and record this data in a searchable database. A search of this database revealed that the NYPD’s LPRs record images of the Cadillac’s Pennsylvania license plate number travelling to Manhattan across the Queensboro Bridge on June 24, 2016 at 7:18 a.m. and returning to Queens at 7:51 a.m., a few hours before the robbery.

6. Later that day, the Cadillac was found parked on South 3rd Street in Brooklyn, New York. NYPD searched the vehicle pursuant to a search warrant issued by Queens County Criminal Court and discovered a red, white, and blue bandana and two dark-colored baseball caps, one of them bearing the white logo of the New York Yankees baseball team, which was possibly used in the robbery, and SAMUEL VALCARCEL’s driver’s license, among other items. A forensics team was able to obtain fingerprints left in the car and compare them to fingerprints stored in law enforcement databases. A set of fingerprints in the Cadillac matched those on file for SAMUEL VALCARCEL.²

7. On December 19, 2016, NYPD officers went to an address in Brooklyn, New York believed to be the residence of SAMUEL VALCARCEL to arrest him for an outstanding state court warrant. VALCARCEL’s mother answered the door and allowed officers to enter the residence. When officers entered VALCARCEL’s bedroom, they saw a

² SAMUEL VALCARCEL was previously arrested for robbing a bodega with two other men while wearing masks and carrying firearms on or about May 6, 2009, and subsequently pled guilty to Robbery in the First Degree, a Class B felony in violation of NYPL § 160.15, on December 8, 2009.

box of empty ammunition shell casings in plain view on his dresser. The officers asked for and received written consent from VALCARCEL and his mother to search the residence.

8. Officers recovered another box of ammunition shell casings and live ammunition rounds from the home. VALCARCEL later admitted that all of the ammunition belonged to him.

9. A Special Agent with ATF, specially trained in identifying ammunition, has confirmed that the ammunition, specifically rounds of .380 caliber ammunition manufactured by ACP Tulammo, rounds of 9-millimeter caliber ammunition manufactured by Winchester, and rounds of 9-millimeter caliber ammunition manufactured by Blazer, traveled in interstate commerce.

10. The officers transported VALCARCEL to the precinct and read his Miranda rights to him, which he agreed to waive. During the interview that followed, he admitted, in sum and substance and in part, to participating with other individuals in the robbery of the Store in Queens on June 24, 2016, as described above.

11. VALCARCEL further described the getaway vehicle that was used in the robbery as a white or cream colored four-door car. This corroborates eyewitness descriptions of the getaway vehicle.

12. SAMUEL VALCARCEL stated that he and a co-conspirator entered the Store armed with handguns. The co-conspirator was carrying a small black gun, possibly a revolver, and VALCARCEL was armed with a pink/red pistol.

13. Officers showed SAMUEL VALCARCEL images from the “Wanted” poster issued in connection with the robbery of the Store. The images were taken from

surveillance video inside the Store on the day of the robbery. On the left was an image of a slim male in a gray hooded sweatshirt and camouflage pants. VALCARCEL identified himself in the image.

WHEREFORE, your deponent respectfully requests that the defendant SAMUEL VALCARCEL be dealt with according to law.

S/ Joanna Beck

JOANNA BECK
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to before me this
20th day of December, 2016

S/ Lois Bloom

THE HONORABLE LOIS BLOOM
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK